

1 THOMAS P. O'BRIEN
2 United States Attorney
3 CHRISTINE C. EWELL
4 Assistant United States Attorney
5 Chief, Criminal Division
6 STEVEN R. WELK
7 Assistant United States Attorney
8 Chief, Asset Forfeiture Section
9 P. GREG PARHAM
10 Special Assistant United States Attorney
11 California Bar Number 140310
12 Asset Forfeiture Section
13 1400 United States Courthouse
14 312 North Spring Street
15 Los Angeles, California 90012
16 Telephone: (213) 894-0304
17 Facsimile: (213) 894-7177
18 E-mail: Greg.Parham@usdoj.gov

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19 Attorneys for Plaintiff
20 United States of America

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22 UNITED STATES DISTRICT COURT
23
24 FOR THE CENTRAL DISTRICT OF CALIFORNIA
25
WESTERN DIVISION

26 UNITED STATES OF AMERICA,) NO. CV 06-6283 GHK (SHx)
27)
28 Plaintiff,)
v.)
Defendant.)

HELEN GOLAY AND OLGA)
RUTTERSCHMIDT,)
Claimants.)

I. Procedural History

This action was filed on October 2, 2006. Notice was given and published in accordance with law. Claimant Helen Golay

1 ("claimant Golay") filed a verified statement of interest
2 ("claim") on November 1, 2006 and an answer on November 8, 2006,
3 contesting the forfeiture of the following defendant funds:
4 \$59,068.77 seized from First Federal Bank account number
5 XXXXXXXX0939, held in the name of Helen Golay (subject account
6 #1);¹ \$821,939.94 seized from UnionBanc Investment Services
7 Portfolio Connection account number XXX-XX5793 (also referred to
8 as account number XXXXXX4138), held in the name of Helen Golay
9 (subject account #2); \$200,000.00 seized from First Federal Bank
10 account number XXXXXXXX6828, held in the name of Helen Golay
11 (subject account #3); and, \$100,000.00 seized from First Federal
12 Bank account number XXXXXXXX6893, held in the name of Helen Golay
13 (subject account #4)(the above-listed funds seized from subject
14 accounts 1 through 4, inclusive, totaling \$1,181,008.71, are
15 collectively referred to herein as "the Golay funds").

16 Potential claimant Olga Rutterschmidt did not file a claim
17 or answer in this matter. On March 11, 2009, this Court granted
18 Plaintiff's Motion for a Partial Default Judgment as to the
19 following defendant funds: \$332,838.91 seized from the Lincoln
20 National Life Insurance Company SecureLine account on deposit at
21 State Street Bank and Trust Company, account number XXXXXXXX9572,
22 held in the name of Olga Rutterschmidt (subject account #5);
23 \$20,000.00 seized from California Bank & Trust account number
24 XXXXXX2483, held in the names of Olga Rutterschmidt and Endre
25 Rutterschmidt (subject account #6); \$24,018.09 seized from
26

27 ¹ The full account numbers have been redacted pursuant to Local
28 Rule 79-5.4(d).

1 California Bank & Trust account number XXXXXX5606, held in the
2 names of Olga Rutterschmidt and Endre Rutterschmidt (subject
3 account #7); \$30,157.75 seized from California Bank & Trust
4 account number XXXXXX1649, held in the names of Olga
5 Rutterschmidt and Endre Rutterschmidt (subject account #8); and
6 \$221,575.23 seized from California Bank & Trust account number
7 XXXXXX2833, held in the names of Olga Rutterschmidt and Endre
8 Rutterschmidt (subject account #9)(the above-listed funds seized
9 from subject accounts 5 through 9, inclusive, totaling
10 \$628,589.98, are collectively referred to herein as "the
11 Rutterschmidt funds").

12 No other statements of interest or answers have been filed,
13 and the time for filing such statements of interest and answers
14 has expired.

15 II. Consent Judgment of Forfeiture

16 Plaintiff and claimant Golay have reached an agreement that
17 is dispositive of the action. Claimant Golay now withdraws her
18 claim and answer and wishes to relinquish any rights to the Golay
19 funds. The parties hereby request that the Court enter this
20 Consent Judgment of Forfeiture, which encompasses both the Golay
21 funds and the Rutterschmidt funds (collectively referred to as
22 "the defendant bank funds").

23 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

- 24 1. This Court has jurisdiction over the parties and the
25 subject matter of this action.
- 26 2. Notice of this action has been given in accordance with
27 law. All potential claimants to the defendant
28 \$1,809,598.69 in Bank Funds other than claimant Golay

1 are deemed to have admitted the allegations of the
2 Complaint. The allegations set out in the Complaint
3 are sufficient to establish a basis for forfeiture.

4 3. The United States of America shall have judgment as to
5 \$1,809,598.69 of the defendant bank funds (the sum
6 total of the Golay funds and the Rutterschmidt funds),
7 plus all interest earned by the government on the full
8 amount of the defendant bank funds, and no other person
9 or entity shall have any right, title or interest
10 therein. The United States Marshals Service is ordered
11 to dispose of said assets in accordance with law.

12 4. Claimant Golay hereby releases the United States of
13 America, its agencies, agents, and officers, including
14 employees and agents of the Federal Bureau of
15 Investigation and the Los Angeles Police Department,
16 from any and all claims, actions or liabilities arising
17 out of or related to this action, including, without
18 limitation, any claim for attorney's fees, costs or
19 interest which may be asserted on behalf of the
20 claimant, whether pursuant to 28 U.S.C. § 2465 or
21 otherwise.

22 5. Plaintiff, United States of America, agrees that it
23 will not seek to recover civil sanctions (except to the
24 extent that the forfeiture of the defendant bank funds
25 can be considered a civil sanction), attorney's fees or
26 costs in connection with this action or the underlying
27 seizure.

28 / / /

6. The Court finds that there was reasonable cause for the seizure of the defendant bank funds and institution of these proceedings. This judgment shall be construed as a certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

Dated: 7/8, 2009

THE HONORABLE GEORGE H. KING
UNITED STATES DISTRICT JUDGE

[Signatures of counsel appear on the next page.]

Approved as to form and content:

P. GREG PARHAM
Special Assistant United States Attorney
Asset Forfeiture Section

Attorneys for Plaintiff
United States of America

Dated: June , 2009

ROGER JON DIAMOND
Attorney for Claimant
HELEN GOLAY